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RECEIVED Docket No. 023070-095600US

PTO FAX NO.: 1-571-273-8300

MAR 12 2009

ATTENTION: Examiner Kruse, D.

OFFICE OF PETITIONS

Group Art Unit 1638

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Kruse, D.**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of WILKINS, Thea A., Application No. 09/453,387, filed December 2, 1999 for COTTON TRANSCRIPTION FACTORS AND THEIR USES are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Notification of Error in Small Entity Status and Payment of Deficiency Owed

Number of pages being transmitted, including this page: 4

Dated: March 6, 2009



Donna Hill

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300  
0106

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I hereby certify that this correspondence is being facsimile  
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Fax No. 1-571-273-8300 on 3-06-09

2009 MAR -9 PM 3:38

PATENT

Attorney Docket No.: 023070-095600US

Client Ref. No.: 1999-158-1

TOWNSEND and TOWNSEND and CREW LLP

By: David Hill

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT of:

WILKINS, Thea A.

U.S. Patent No. 6,828,476 B1

Issued: December 7, 2004

Application No.: 09/453,387

Filed: December 2, 1999

For: COTTON TRANSCRIPTION  
FACTORS AND THEIR USES

Customer No.: 20350

Confirmation No. 2583

Examiner: Kruse, D.

Technology Center/Art Unit: 1638

NOTIFICATION OF ERROR IN SMALL  
ENTITY STATUS AND PAYMENT OF  
DEFICIENCY OWED UNDER 37 CFR  
§1.28(c)

03/10/2009 DALLEN 00000031 201430 09453387

01 FC:1461 3740.00 DA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above application was submitted claiming other than small entity status. The initial application filing fees and surcharge for late presentation of the oath were paid at the originally correctly claimed large entity status in good faith.

During further prosecution due to inadvertence and without deceptive intent the subsequent fees were paid in good faith as a small entity.

The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

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Appl. No. 09/453,387  
 NOTIFICATION OF ERROR IN SMALL ENTITY  
 STATUS AND PAYMENT OF DEFICIENCY OWED  
 UNDER 37 CFR §1.28(c)

PATENT

**ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED**

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	CURRENT FEE APPLIED	DEFICIENCY PAYMENT OWED
04/24/2001	3 Month Extension of Time	\$445	\$1,100	\$655
10/24/2001	2 Month Extension of Time	\$200	\$490	\$290
03/03/2003	2 Month Extension of Time	\$205	\$490	\$285
04/02/2003	3 Month Extension of Time (minus 03/03/2003 2 Mo. EOT)	\$260	\$1100	\$840
04/02/2003	Notice of Appeal	\$160	\$540	\$380
05/29/2003	Request for Continued Examination	\$375	\$810	\$435
05/13/2004	Issue Fee	\$655	\$1,510	\$855

**TOTAL DEFICIENCY OWED: \$3,740.00**

Applicants hereby authorize the Commissioner to deduct the total fees of \$3,740 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.


Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

Appl. No. 09/453,387  
NOTIFICATION OF ERROR IN SMALL ENTITY  
STATUS AND PAYMENT OF DEFICIENCY OWED  
UNDER 37 CFR §1.28(c)

PATENT

If a telephone conference would expedite prosecution of this application, please  
telephone the undersigned at 415.576.0200.

Respectfully submitted,

  
Kevin Bastian  
Reg. No. 34,774

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
KLB:dlh